

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

ANDREA RHYNE

PLAINTIFF

V.

CAUSE NO 1:06CV116

**TENNESSEE FARMERS MUTUAL
INSURANCE COMPANY, et al**

DEFENDANT

ORDER

This cause comes before the court on the plaintiff's motion [66] for reconsideration of the Clerk of Court's opinion and order adjudicating the contested bill of costs. The defendant has responded in opposition, and this court is prepared to rule.

The underlying matter in this case, a breach of contract action, was dismissed without prejudice due to lack of personal jurisdiction over the defendant. On January 22, 2008, the Clerk of Court issued a memorandum opinion and order awarding \$1,358.15 in costs to the defendant. Rhyne contends that she will suffer great prejudice if required to pay said costs, and reiterates that she would not be subject to costs if the court had transferred this matter to the proper jurisdiction.

Under Rule 59(e), there are three possible grounds for granting a motion for reconsideration: (1) an intervening change in controlling law, (2) the availability of new evidence not previously available, and (3) the need to correct a clear error of law or prevent manifest injustice. *Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625, 626 (S.D. Miss. 1990).

The plaintiff does not address any change in controlling law, nor does she discuss the availability of new evidence not previously available. Rhyne also fails to demonstrate manifest

injustice or great prejudice beyond a mere conclusory statement in her motion for reconsideration. This court finds that the Clerk of Court's analysis is not in error, and that the Clerk was correct in his assessment that defendant should not be penalized because the plaintiff forced litigation in a state without jurisdiction. The motion for reconsideration is DENIED.

This the 28th day of May, 2008.

/s/ MICHAEL P. MILLS
CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI